

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL  
PROCEEDINGS CONCERNING JUDGE BERNARD J. SCHWARTZ

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Bernard J. Schwartz of the Riverside County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge (1) committed and was convicted on a plea of no contest to the crime of driving while having a 0.08 percent or higher blood alcohol level; and (2) repeatedly attempted to avoid being arrested and incarcerated and to otherwise receive preferential treatment because he was a judge. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Judge Schwartz is represented by attorney Edward P. George, Jr., in Long Beach, California.

Following completion of the hearing, the Special Masters will provide the Commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the Commission through briefing and argument. If the Commission determines that charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the Commission determines are not proved will be dismissed. A determination by the Commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at [www.cjp.ca.gov](http://www.cjp.ca.gov) (under "Press Releases"). Judge Schwartz's Answer to the notice is presently due March 13, 2006. Upon filing, Judge Schwartz's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.